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DEPARTMENT FOR WHA, WHA/CAR DEPIRRO AND WARD, G/TIP

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SUBJECT: DOMINICAN REPUBLIC: PROSECUTION SEGMENT FOR 8TH
ANNUAL TIP REPORT

REF: A. STATE 2731
[1](#)B. SANTO DOMINGO 350

[1](#)1. Please find the following information in response to REF A questions regarding prosecution of human traffickers in the Dominican Republic. This information completes Embassy's 8th Annual TIP Report, initially submitted in REF B.

Investigations, Prosecutions, and Convictions

[1](#)2. By the conclusion of the reporting period, the Dominican Republic had made significant progress in investigations and prosecutions vis-a-vis both the previous reporting period and the period governed by the most recent interim report.

-- Trafficking in Persons: Domestic Investigations

The Dominican Attorney General's Office currently maintains 25 open investigations for trafficking under the Trafficking in Persons Law (Law 137-03). All of these investigations are for "sex trafficking" and the victims are minors in the majority of cases.

In one of the 25 investigations, the Attorney General's office has already obtained a order of preventative detention for a German citizen alleged to have participated in the trafficking of 14 Haitian women into the Dominican Republic for sexual exploitation (i.e., forced participation in a pornography ring).

-- Trafficking in Persons: Domestic Prosecutions

A total of seven cases were submitted for prosecution under law 137-03 during the reporting period, but 2 were rejected in a probable cause hearing by a "court of first instance" - a court that performs a grand jury-like function. The other 5 cases carried through to trial.

Of the 5 cases that went to trial, 1 was for the trafficking of an adult woman for prostitution by an Italian citizen, 1 was for labor trafficking, and 3 were for the trafficking of minors for sexual exploitation. Of the latter 3 cases, 2 involved foreign pedophiles: in one case a Spaniard, in the other a German.

None of the 5 cases at trial have reached a conclusion; accordingly there have been no convictions during this reporting period.

-- Government Officials

The 32 cases discussed in this section do not involve

senior-level government officials ("funcionarios") or lower-ranking members of the police, the armed forces, or the immigration authority ("empleados publicos").

The Attorney General's Office further clarified its response to allegations of governmental complicity in the smuggling of Chinese nationals by noting the following: 1) neither the DNI nor the J2 have shared with the Attorney General's Office information sufficient to sustain an "official" investigation -- in sum, the allegations made prior to the reporting period by Clave Digital (a Dominican Investigative periodical) appear to be unsupported; and 2) the Attorney General's Office did conduct informal interviews of officials implicated by the Clave Digital article, but again found nothing sufficient to trigger the start of an official investigation. As reported in REF B, the Attorney General's Office asserts that gathering information from within the insular Chinese community in the Dominican Republic is an impossibility.

-- Possession and Distribution of Child Pornography

The Attorney General's Office reports an additional 7 open investigations for the electronic possession and/or distribution of child pornography under Law 53-07, a new law first implemented during this reporting period.

Two additional investigations are underway in Santiago into the production of child pornography, as governed by the Code of Minors (Law 136-03).

An additional investigation/operation has been underway for 6 months to stop the distribution and prosecute the distributors of a child pornography video (featuring only foreign victims located outside the Dominican Republic) that

occasionally appears for sale in open-air "flea markets."

-- Begging Rings

The Attorney General's Office clarified the steps it took to ascertain that Haitian children were not trafficked into the Dominican Republic to participate in organized begging rings.

The Office conducted recorded surveillance of begging children over a period of several weeks. The surveillance revealed that children were dropped off by their parents, who then came to collect them at the conclusion of the day.

-- Plea Bargaining

Embassy notes that Dominican law does not permit plea bargaining.

-- Foreign Pedophiles

The Attorney General's Office stressed that, while foreign pedophiles in the Dominican Republic may come from the United States or Canada, the evidence suggests that they come exclusively from Western Europe -- Spain, Italy, and Germany.

----- Cooperation with Foreign Governments -----

13. The Attorney General's Office noted cooperation with three different foreign governments in the fight against trafficking.

The Attorney General's Office is working particularly closely with the Swiss government in a case of trafficking of Dominican women to Switzerland for the purpose of sexual exploitation. The Swiss government is currently holding a German-national in custody on charges of trafficking and has issued an arrest warrant (and filed an INTERPOL notice) for a second German-national. The investigation is on-going and Swiss federal prosecutors, as well as a member of the Swiss Justice Ministry, have traveled to the Dominican Republic to

conduct interviews and gather evidence with the cooperation of the GODR. It is thought that a Dominican-national accomplice may be involved. If this individual is identified and located in Dominican territory, Dominican officials intend to prosecute locally.

The Attorney General's Office is also working with Turkish authorities to gather evidence to better facilitate the Dominican prosecution of a number of Dominican citizens thought responsible for trafficking 13 Dominican women to Istanbul for the purpose of sexual exploitation.

Finally, the Attorney General's Office is working with the Argentine government in a joint investigation of a brothel outside of Buenos Aires where it is alleged that up to 15 women are being held in sexual slavery. Of particular note is that fact that the sole Dominican victim, following her escape and subsequent return to the Dominican Republic, utilized the Attorney General's hotline/tip-line "Llame y Vive" (Call and Live) to report the incident. The Embassy believes this to be the first use of Llame y Vive as a tip-line and notes that it came after significant Dominican effort to publicize the line's existence.

In an aside, the Office took pains to remind the Embassy that the GODR is assisting DHS-ICE in 2 cases in Puerto Rico that involve the smuggling of Chinese nationals through the Dominican Republic to the United States.

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